

2002-06

>>> "Allan Falk" <falklaw@acd.net> 12/05/03 01:33PM >>>

I oppose the proposed amendment to Rule 2 of the Rules for the Board of Law Examiners.

Removal of the provision allowing holders of advanced degrees in law from recognized and accredited institutions of higher education (LLM or JSD) to sit for the bar examination would be impolitic and unfair. I attended a law school that offered such degrees; the usual students were lawyers from foreign countries or US Territories (such as Puerto Rico). These advanced students, despite often being hampered by English being only a second language, in collegial discussions proved to be highly knowledgeable both as to foreign legal systems not based on common-law and as regards the American model, irrespective of whether the discussion concerned constitutional law, torts, contracts, administrative law, etc.

As Anton Chekhov so cogently observed, "a lawyer may rob you, but a doctor will rob you and then kill you." Currently, Michigan and every other state admits foreign-trained medical doctors to practice in this country, after vetting the training as roughly equivalent in scope and rigor to that of American medical schools, and after subjecting such applicants to a licensing examination. If we are willing to do so with things that affect our lives, we should surely be able to do the same for lawyers, who generally threaten only our purses. Allowing someone to sit for the bar exam only lets them compete with others for licensure; they still have to pass the examination. Given that Justice Eugene Black served within living memory with great distinction, yet never attended law school, keeping the proof in the pudding, rather than erecting artificial barriers to even sitting for the examination, is the proper policy. The only justification for changing the rule would have to be that it is somehow embarrassing that people who have not had the "benefit" of a modern law school education in the United States can still pass the bar examination; that should be a clarion call to reform our law school education practices, not to insulate our law school graduates from being shown up as undereducated or ill-prepared for a career in the law.

Therefore, the Board of Law Examiners' proposal should be rejected; however, the Court in its wisdom might wish to amend the existing rule to specify that the Board shall allow persons holding such advanced degrees to sit for the bar examination if either the curriculum for the advanced degree itself, or in combination with any underlying degree from a foreign or otherwise unaccredited law school, is the approximate equivalent of the curricula of accredited law schools which award the juris doctor degree.

Allan Falk
Attorney at Law